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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

GARY LEON HILLARD,

Defendant and Appellant.

B230822

(Los Angeles County  
Super. Ct. No. NA083148)

ORDERS DENYING REHEARING  
AND MODIFYING OPINION

[CHANGE IN JUDGMENT]

The petition for rehearing is denied.

The opinion filed on January 25, 2012, is modified as follows:

On typed opinion page 20, delete section III D and replace it with the following:

**D. Presentence Custody Credit**

Defendant was in presentence custody for 515 days from September 1, 2009 to September 24, 2009 and from October 6, 2009 to February 8, 2011. He was entitled to conduct credit under section 2933.1, subdivision (a), which credits are calculated to the greatest whole number without exceeding 15 percent. (*People v. Duran* (1998) 67 Cal.App.4th 267, 270; *People v. Ramos* (1996) 50 Cal.App.4th 810, 815-817; see *In re*

*Reeves* (2005) 35 Cal.4th 765, 775.) Therefore, defendant was entitled credit for 515 days in presentence custody plus 77 days of conduct credit for a total presentence custody credit of 592 days. The judgment will be modified to so reflect.

On typed opinion page 21, delete section IV and replace it with the following:

#### IV. DISPOSITION

The sentence under count 9 is stayed pursuant to Penal Code section 654, subdivision (a). Defendant's unstayed sentence is reduced to 24 years, 8 months. The judgment is further modified to impose a court facilities assessment of \$30 (Gov. Code, § 70373, subd. (a)(1)) as to each of the 8 counts for a total of \$240, and to award defendant credit for 515 days in presentence custody plus 77 days of conduct credit for a total presentence custody credit of 592 days. The judgment is affirmed in all other respects. Upon remittitur issuance, the abstract of judgment must be corrected to accurately reflect the foregoing and that the sentence imposed was 24 years, 8 months. The clerk of the superior court shall deliver a copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.

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TURNER, P. J.

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MOSK, J.

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KRIEGLER, J.